



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Borgmeier et al.

Serial No.: 10/694,627

Filed: October 27, 2003

For: APPARATUS FOR
NONINVASIVELY MEASURING
HEMATOCRIT AND ASSOCIATED
METHODS

Confirmation No.: 2621

Examiner: L. Cohen

Group Art Unit: 3739

Attorney Docket No.: 1258.01-6172US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 13, 2006
Date

Signature

Erika Gandre
Name (Type/Print)

**RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication follows the Failure to Acceptably Respond to Notice of Non-Compliant Amendment under 37 C.F.R. 1.121 dated February 27, 2006, and the Notice of Non-Compliant Amendment of January 20, 2006, the one month shortened statutory period for response to which expired on February 20, 2006.

Prior reference to the cancellation of claims 21-51 without prejudice or disclaimer has been replaced with the cancellation of claims 21-52 without prejudice or disclaimer.

This communication is also responsive to the Restriction Requirement mailed on November 17, 2005, the one-month shortened statutory period for response to which expired on December 17, 2005.

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An amendment to the specification appears on page 3 of this paper;

A listing of the claims, in which revisions to the claims are set forth, begins on page 4 of this paper; and

Remarks start at page 8 of this paper.